DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Food and Drug Administration
College Park, MD 20740-3835

October 2, 2002

Mr. Brooks Takenaka
United Fishing Agency, Ltd.
117 Ahui Street
Honolulu, HI 96813

Re: Docket No. 99D-0392

Dear Mr. Takenaka:

This letter is in response to your citizen petition dated April 3, 2002, which was received by the Food and Drug Administration (FDA) on April 8, 2002. You requested that the FDA use discretion relative to enforcement of some of the requirements of FDA's seafood Hazard Analysis Critical Control Point (HACCP) regulations (21 CFR Part 123) as provided under the agency's Seafood HACCP Transition Guidance of December 1999. Your petition asked the agency to consider use of discretion on the matter of controlling histamine formation in fish received by your firm from longline fishing vessels.

In accordance with 21 CFR 10.30(e)(2), this letter is to advise you that we have not rendered a final decision on your petition within the first 180 days of its receipt because of other agency priorities and limited availability of resources. However, a response is forthcoming.

Sincerely yours,

Philip C. Spiller
Director
Office of Seafood
Center for Food Safety
and Applied Nutrition

99D-0392

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